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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven P. Sidwell, et al. ) Examiner  
Patent No.: 6,818,456 B2 ) Nguyen,  
Date: 11/16/2004 ) Bao Thuy L.  
For: COLOR CONTRAST SYSTEM FOR ) Art Unit  
LATERAL FLOW IMMUNOASSAY TESTS) 1641

May 2005

PETITION UNDER 37 C.F.R. 1.183

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

This petition is made in response to a denial of a Request for Certificate of Correction dated January 27, 2005, copy enclosed as Exhibit A.

Your petitioner requests that 37 C.F.R. 3.81(a) and any other rule be waived to permit the current name of the inventor/assignor and/or assignee be issued on a Certificate of Correction.

Any failure to include a current inventor/assignor/assignee on the PTOL-85B form or any other form was inadvertent.

A copy of the original request for Certificate of Correction under 37b CFR 1.322 is enclosed as Exhibit B.

A copy of the original Notice of Recordation of assignment is enclosed as Exhibit C.

A copy of the PTOL-85 form is enclosed as Exhibit D.

Please forward the file to the Certificate of Correction Branch if the petition is granted.

Please charge the petition fee of \$130 any and other fee or credit any amount to account no. 08-0114.

The undersign declares:

That all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true.

The declarant is aware that willful false statements and the like are punishable by fine or imprisonment or both under 18 USC 1001 and may jeopardize the validity of the subject issued patent.

Respectfully submitted,



Walter A. Hackler

Registration No. 27,792

2372 S.E. Bristol Street, Suite B

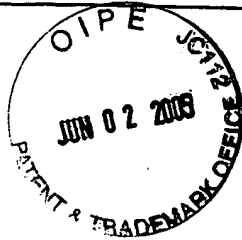
Newport Beach, California 92660

Tel: (949) 851-5010

Fax: ((949) 752-1925



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

January 27, 2005

Bella Fishman  
VARIAN, INC.  
3120 Hansen Way, D-102  
Palo Alto, CA 94304

Patent No.: 6818456 B2  
Inventor: Steven P. Sidwell  
Issued: November 16, 2004  
Title: COLOR CONTRAST SYSTEM FOR LATERAL FLOW IMMUNOASSAY TESTS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, is based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a petition, under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 1.183 should include:

- A. the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided;

- C. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- D. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Petition*, Applicant(s) may request that the file is forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction, if the Petition is granted.

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail:                    Commissioner of Patents and Trademarks  
                                 Mail Stop: Petitions  
                                 Alexandria, VA 22313

By Fax:                    (703) 308-6916  
                                 Attn.: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

**Virginia Tolbert**  
For Cecelia Newman  
Decisions & Certificates  
of Correction Branch  
(703) 308-8309 or (703) 305-1882

vt



Docket No.: 02-21 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sidwell, et al.

Serial No.: 10/910,198

Filed: July 20, 2001

Patent No. 6,818,456 B2

Issued: November 16, 2004

Title: COLOR CONTRAST SYSTEM FOR  
LATERAL FLOW IMMUNOASSAY  
TESTS

Examiner: Nguyen, Bao Thuy L.

Art Unit: 1641

Confirmation No.: 2758

I, Debbie Kus, hereby certify that on December 1, 2004, this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to Attn: CERTIFICATE OF CORRECTIONS BRANCH, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Signature

Date Signed

Certificate

DEC 07 2004

of Correction

Attn: CERTIFICATE OF CORRECTIONS BRANCH  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.322**

Sir:

Transmitted herewith is a Certificate of Correction for US Patent No. 6,818,456.

Upon review of the subject patent an error has been discovered on the face page of the patent. .

The error made by the Patent and Trademark Office should be corrected as follows:

(12) Please change Sidwell to -- Sidwell --.

(75) Inventors: change Sidwell to -- Sidwell --.

The corrected Assignor's name was recorded on June 27, 2003 on Reel 012017 and Frame 0302.

A copy the Notice of Recordation of Assignment document is attached herewith

Respectfully submitted,

Bella Fishman  
Agent for Applicants  
Registration No. 37,485

Date: December 1, 2004

Varian, Inc.  
3120 Hansen Way, D-102  
Palo Alto, CA 94304  
(650) 424-5086  
bella.fishman@varianinc.com

L:\user\debbie\patentfiles\02\doctets\02-21\02-21correction(patent).doc

Copied from 10910198 on 01/11/2005

DEC 07 2004

# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 6,818,456 *82*

DATED : November 16, 2004

INVENTOR(S) : Steven P. Sidwell  
Steven S. Bachand

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page of the patent:

(12) Change "Sidwell " to -- Sidwell --.

(75) Inventors : Change "Sidwell " to -- Sidwell --.

## MAILING ADDRESS OF SENDER:

Varian, Inc.  
3120 Hansen Way, D-102  
Palo Alto, CA 94304

PATENT NO.

6,818,456

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 07 2004

Copied from 10910198 on 01/13/2005



JUNE 30, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

WALTER A. HACKLER  
2372 S.E. BRISTOL, SUITE B  
NEWPORT BEACH, CA 92660-0755



\*102481354A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/27/2003

REEL/FRAME: 013763/0194

NUMBER OF PAGES: 5

BRIEF: CORRECT ASSIGNOR'S NAME RECORDED ON REEL 012017 FRAME 0302.

ASSIGNOR:

SIDWELL, STEVEN P. ✓

DOC DATE: 07/12/2001 ✓

ASSIGNOR:

BACHAND, STEVEN S. ✓

DOC DATE: 07/12/2001 ✓

ASSIGNEE:

ANSYS TECHNOLOGIES, INC.  
25200 COMMERCENTRE DRIVE  
LAKE FOREST, CALIFORNIA 92630-8819

SERIAL NUMBER: 09910198 ✓

FILING DATE: 07/20/2001 ✓

PATENT NUMBER:

ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Copied from 09910198 on 01/12/2003

Exhibit C



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

JUN 02 2005

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

08/23/2004

BELLA FISHMAN  
VARIAN, INC.  
3120 HANSEN WAY, D-102  
PALO ALTO, CA 94304-1030

EXAMINER

NGUYEN, BAO THUY L

ART UNIT

PAPER NUMBER

1641

DATE MAILED: 08/23/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,198	07/20/2001	Steven P. Sidwell	2758	1473

TITLE OF INVENTION: COLOR CONTRAST SYSTEM FOR LATERAL FLOW IMMUNOASSAY TESTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	11/23/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000

JUN 02 2001

or FAX

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise, in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

08/23/2004

BELLA FISHMAN  
VARIAN, INC.  
3120 HANSEN WAY, D-102  
PALO ALTO, CA 94304-1030

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,198	07/20/2001	Steven P. Sidwell	2758	1473

TITLE OF INVENTION: COLOR CONTRAST SYSTEM FOR LATERAL FLOW IMMUNOASSAY TESTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	11/23/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, BAO THUY L	1641	436-518000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02, or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)